

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MEDSOURCE, LLC,

Plaintiff,

Case No. 12-11946

v.

DEROYAL INDUSTRIES, INC., *et al.*,

Hon. John Corbett O'Meara
Hon. Michael Hluchaniuk

Defendants.

**ORDER OVERRULING OBJECTIONS
TO MAGISTRATE'S ORDER GRANTING
PLAINTIFF'S MOTION TO FILE AMENDED COMPLAINT**

On October 1, 2014, Magistrate Judge Michael Hluchaniuk issued a bench order granting in part Plaintiff's motion to file a third amended complaint.

Defendant DeRoyal Industries, Inc., filed objections to the magistrate judge's order on October 16, 2014. Defendants Kevin Katschanow, Ortho Workz, Inc., and Ortho Workz South LLC joined in DeRoyal's objections.

Although Defendants characterize the magistrate's ruling as a "report and recommendation," it is a non-dispositive order, subject to the "clearly erroneous" standard of review. See, e.g., Turner v. Farmer Jack, 2006 WL 1235759 at *1 (E.D. Mich. May 8, 2006). The court may modify or set aside any portion of the magistrate judge's order that is "clearly erroneous or contrary to law." 28 U.S.C. §

636(b)(1)(A). See also Fed. R. Civ. P. 72(a). “A finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985) (quoting United States v. U. S. Gypsum Co., 333 U.S. 364, 395 (1948)). The court may not disturb the magistrate’s factual findings “even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently.” Id. The court allows the magistrate’s legal conclusions to stand unless they are “contrary to law.” Gandee v. Glaser, 785 F. Supp. 684, 686 (S.D. Ohio 1992) aff’d, 19 F.3d 1432 (6th Cir. 1994).

Having reviewed the record, the court finds that Magistrate Judge Hluchaniuk’s order is neither clearly erroneous nor contrary to law.

Therefore, IT IS HEREBY ORDERED that Defendants’ objections to the magistrate’s order are OVERRULED.

s/John Corbett O’Meara
United States District Judge

Date: November 19, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 19, 2014, using the ECF system.

s/William Barkholz
Case Manager